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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case: 2:16-cr-20051  
Judge: Goldsmith, Mark A.  
MJ: Patti, Anthony P.  
Filed: 01-25-2016 At 12:43 PM  
INFO USA V JAMES MARTIN MARSCHNER (LG)

D-1 JAMES MARTIN MARSCHNER,

Defendant.

\_\_\_\_\_ /

**INFORMATION**

THE UNITED STATES ATTORNEY CHARGES:

**COUNT ONE**

(18 U.S.C. § 2252A(a)(2) - *Receipt of Child Pornography*)

JAMES MARTIN MARSCHNER

On or about July of 2011 through on or about August 1, 2015, in the Eastern District of Michigan, the defendant, JAMES MARTIN MARSCHNER, did knowingly receive child pornography, as defined in 18 U.S.C. § 2256(8); and the images received by the defendant were mailed, shipped, and transported using the

Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

**COUNT TWO**

(18 U.S.C. § 2252A(a)(5)(B) – *Possession of Child Pornography*)

JAMES MARTIN MARSCHNER

On or about November 6, 2015, within the Eastern District of Michigan, the defendant, JAMES MARTIN MARSCHNER, knowingly possessed one or more computer hard drives, cell phones, cameras, DVDs, magazines, periodicals, and other material which contained child pornography, as defined in Title 18, United States Code, Section 2256(8), including but not limited to visual depictions of real minors, prepubescent minors and minors who had not attained twelve (12) years of age, engaged in sexually explicit conduct, that had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and/or transported in and affecting interstate and foreign commerce, and were produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

**Forfeiture Allegation**

Upon conviction of the offense charged in Counts One through Two of the Indictment, the defendant, JAMES MARTIN MARSCHNER, shall, pursuant to 18 U.S.C. § 2253, forfeit to the United States the following:

- i. Any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- ii. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- iii. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, including, but not limited to the items seized from the Defendant's residence on November 6, 2015.

If any of the property described in the paragraphs above as being forfeitable pursuant to 18 U.S.C. § 2253, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;

- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America, pursuant to 21 U.S.C. § 853(p), intends to seek forfeiture of all other property of the defendant up to the value of the above described forfeitable property.

BARBARA L. MCQUADE  
UNITED STATES ATTORNEY

s/ Kevin Mulcahy  
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Dated: January 25, 2016


Case: 2:16-cr-20051  
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 MJ: Patti, Anthony P.  
 Filed: 01-25-2016 At 12:43 PM  
 INFO USA V JAMES MARTIN MARSCHNER (LG)

United States District Court  
 Eastern District of Michigan

Criminal Case Co

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to com

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]

<b>Companion Case Information</b>	<b>Companion Case Number:</b>
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	<b>Judge Assigned:</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>AUSA's Initials:</b> 

**Case Title:** USA v. JAMES MARTIN MARSCHNER

**County where offense occurred :** MACOMB

**Check One:** ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☐ Indictment/ ☐ Information --- no prior complaint.  
☐ Indictment/ ☒ Information --- based upon prior complaint [Case number: 15-MJ-30526]  
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below]

### **Superseding Case Information**

**Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- ☐ Original case was terminated; no additional charges or defendants.  
☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

January 25, 2016  
 Date

  
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 Special Assistant United States Attorney  
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<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.